



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,580	09/27/2006	Tomoyuki Kogo	129354	6802
25944 7590 09/30/2010 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
TRIEU, THAI BA				
ART UNIT		PAPER NUMBER		
3748				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarnstrong@oliff.com

Continuation of 11:

The request for reconsideration has been considered but NOT placed the application in condition for allowance because:

1. Rejection under 35 U.S.C. §112, second paragraph:

In response to applicant's arguments on pages 6-7, applicant asserts that claims are not indefinite- the claims are merely broad.

The examiner respectfully disagrees since how broad the claims 10, 14, and 18 are as claims direct an exhaust gas control apparatus having no controller unit co-operating with sensors in order that a turbine rotation controller/turbine rotation amount adjusting means, an injection controller/after injection performing means, a compressor are able to perform their functions as adjusting an amount of energy, injecting fuel, and adjusting a work amount of the compressor due to the engine operation parameter(s).

Claims 10, 14, and 18 are incomplete for omitting a structural connectivity of a controller unit (ECU) and sensors. Accordingly, claims 10, 14, and 18 are indefinite (emphasis added).

Therefore, the rejections of claims 10, 14, and 18 and theirs dependent claims under rejection of 112, second paragraph should be sustained.

3. Rejections under 35 U.S.C. 103(a):

See Response to the arguments set forth on Page 15-19 of the Office
Action mailed on 07/13/2010.

Continuation of 13. Other:

On Page 3 of the office Action mailed on 07/13/2010, the paragraph of ***"Claims 13 and 17, the recitation of "the injection controller ... based on temperature at which the catalyst is activated"*** has been withdrawn, because of typo errors.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI BA TRIEU whose telephone number is (571)272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3748

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
September 20, 2010

/Thai-Ba Trieu/
Primary Examiner
Art Unit 3748